

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DIVISION OF MISSISSIPPI

RANDY L. KENNEDY

PLAINTIFF

VS.

CIVIL ACTION NO:3:14CV607-WHB-JCG

RAY LAHOOD, SECRETARY
DEPARTMENT OF TRANSPORTATION ET AL.

DEFENDANTS

**COUNSEL'S RESPONSE TO SHOW CAUSE ORDER [DOC.3]
AND MOTION TO WITHDRAW AND FOR EXTENSION OF TIME**

COMES NOW, Michael D. Goggans, attorney of record for the Plaintiff, and responds to the Court's Show Cause Order [Doc. 3] and further moves to withdraw as attorney of record for the Plaintiff in the above styled and numbered cause, and further moves for an extension of time in which Plaintiff may amend and serve the complaint herein, as follows:

1. Pursuant to this Court's Show Cause Order [Doc. 3], attached as Exhibit 1, the undersigned hereby provides a copy of same to the Plaintiff, Randy Kennedy.
2. Due to a variety of factors, Plaintiff Randy Kennedy and the undersigned attorney are in disagreement on how to proceed in this Action. For those reasons, the undersigned notified the Plaintiff that he would no longer represent him in this or any other matter via letter¹, returned Plaintiff's original files to him, refunded to Plaintiff his attorney's fees in trust (which check subsequently cleared the undersigned's bank) and provided him an unopposed Motion to

¹ Please note that the letter attached as part of Exhibit 2 is redacted so as to preserve attorney client privilege.


Withdraw as Plaintiff's Attorney and for Extension of Time to Serve Complaint, all by personal service. See Exhibit 2. Plaintiff did not return said Unopposed Motion to the undersigned. Undersigned understands that when he had not received the executed Unopposed Motion after a reasonable period of time, he should have filed a properly noticed Motion for the same relief; the undersigned apologizes to the Court and the Plaintiff for that oversight. Nevertheless, the undersigned now urges the Court to grant said relief at this time, thereby releasing the undersigned counsel from representing the Plaintiff in this matter as well as granting the further relief set forth below.

3. Plaintiff has additional claims that he believes may be properly brought into this cause of action by amendment. For that reason, the undersigned, on behalf of Plaintiff, requests that Plaintiff be granted an additional sixty (60) days from the entry of an order herein, to secure new counsel, seek amendment of the pleadings as determined by Plaintiff and any substitute counsel and/or issue process in this matter.

WHEREFORE, PREMISES CONSIDERED the undersigned prays the Court, upon receiving this Response to Show Cause Order and Motion, that it accept said Response to Show Cause Order as good cause shown and further issue an Order allowing attorney Michael D. Goggans, and The Goggans Law Firm, PLLC, to withdraw as attorneys of record for the Plaintiff and be relieved of any and all other responsibilities in this Action and further grant the Plaintiff sixty (60) days, or such other reasonable time as the Court

may see fit, in which Plaintiff may secure new counsel, amend pleadings and/or issue process.

Respectfully submitted, this the 14th day of April, 2015.

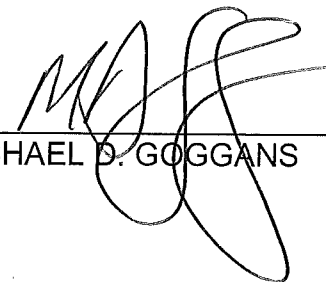


MICHAEL D. GOGGANS

CERTIFICATE OF SERVICE

I, the undersigned Michael D. Goggans, Counsel of Record for the Plaintiff, certify that I have served a copy of the above and foregoing Response to Show Cause Order and Motion to Withdraw by US Mail, postage prepaid, to Randy Kennedy to his usual residence address, 8514 Pine Springs Road, Meridian, Mississippi, 39301. Further, I certify that this date I have filed said Response and Motion using the ECF system.

THIS the 14th day of April, 2015.



MICHAEL D. GOGGANS

Michael D. Goggans
The Goggans Law Firm, PLLC
1706 24th Avenue
Meridian, Mississippi 39301
Telephone: (601) 286-3622
Facsimile: (888) 512-5190
Mississippi State Bar No. 10581